



215551US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

HIDEKI TAKAHASHI

SERIAL NO: 09/986,277

FILED: NOVEMBER 8, 2001

FOR: SEMICONDUCTOR DEVICE AND  
METHOD OF MANUFACTURING  
THE SAME

:

: GROUP ART UNIT: 2822

:

: EXAMINER: PIERRE, KENELT

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A. Wall

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RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

SIR:

In response to the Office Action dated April 30, 2002, Applicant provisionally elects, with traverse, Group I, Claims 1-13 for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction requirement because the PTO has not carried forward its burden of proof to establish that searching and examining both of the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

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<sup>1</sup>To do justice to either identified groups of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 2 at page 2 of the outstanding Official Action.

Accordingly, Applicant respectfully traverses the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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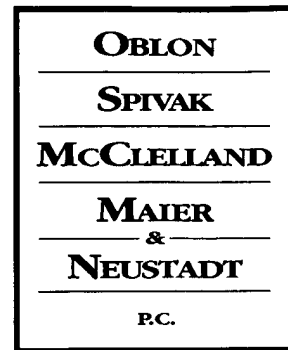
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Docket No.: 215551US

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/986,277  
Applicants: HIDEKI TAKAHASHI  
Filing Date: NOVEMBER 8, 2001  
For: SEMICONDUCTOR DEVICE AND METHOD OF  
MANUFACTURING SAME  
Group Art Unit: 2822  
Examiner: PIERRE, KENELT

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SIR:

Attached hereto for filing are the following papers:

**Restriction Response**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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